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**ARIZONA CORPORATION COMMISSION**

November 23, 2005

The Honorable Phil Gordon  
Mayor, City of Phoenix  
City Hall  
200 West Washington  
Phoenix, AZ 85003

Dear Mayor Gordon:

It has come to my attention that the City of Phoenix has granted permits for the construction of a downtown redevelopment project called the *Summit at Copper Square*. The project consists of a 22-story loft development at 4<sup>th</sup> and Jackson Streets with more than 120 units planned. What concerns me is the proximity of this project both to the Arizona Fueling Facilities Corporation (AFFC) pipeline operated by Swissport and to an important rail corridor.

As you know, AFFC pipeline is the main line supplying jet fuel to Sky Harbor International Airport, one of the nation's busiest airports. I am told that this high-density loft housing would be located *less than 40 feet* from the pipeline. Under current federal pipeline safety regulations, a pipeline is prohibited from being built within 50 feet of a "permanent dwelling" without a series of measures to protect the line. This distance is a minimum safety standard. However, once the pipeline is in place, nothing prevents a city from putting a building within the 50-foot protective zone. I believe a buffer zone of 100 feet would be more desirable and prudent.

I understand that the pipeline operator, Swissport, has an agreement with Phoenix or Sky Harbor to halt the flow of fuel in the pipeline during events at Chase Ballpark. Chase Ballpark is located at least 100 feet from the pipeline. This agreement was undoubtedly made to ensure the safety of the public. However, Sky Harbor needs jet fuel every day. Public officials should be concerned and informed about the steps that are being taken to safeguard the lives and property of the hundreds of potential residents of the *Summit at Copper Square*.

The Kinder Morgan pipeline break north of Tucson in July 2003 brought encroachment issues to the forefront. I would like to believe we learned some valuable lessons about land use in the vicinity of pipelines. The U.S. Department of Transportation has subjected pipelines in urban areas to new, more stringent safety requirements. On the state level, the Arizona Department of Real Estate now includes pipelines in the disclosure requirements.

I have the following questions regarding this project's proximity to the pipeline and rail corridor:

- Has the City taken into account the presence of the pipeline and rail corridor in its decision to approve this development?
- What is the City doing to ensure the safety of residents who buy the lofts?
- What specific studies or risk mitigation plans does the City have for this area?
- As you continue redeveloping the formerly industrial area, are your planning efforts taking into account the presence of this critical fuel line and rail corridor?

In closing, I want to assure you that I support redevelopment of the downtown area, and I appreciate your commitment to that end. I am certain, though, that you and your council members will share my concerns regarding the soundness of our land use choices, especially when the safety of our citizens may be in question.

Thank you for your cooperation on this important safety issue.

Sincerely,



Jeff Hatch-Miller  
Chairman

cc: Vice Mayor Michael Johnson, District 8  
Councilman Dave Siebert, District 1  
Councilwoman Peggy Neely, District 2  
Councilwoman Peggy Bilsten, District 3  
Councilman Tom Simplot, District 4  
Councilman Claude Mattox, District 5  
Councilman Greg Stanton, District 6  
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